REMARKS

[01]   Informalities

[02]   Item 2 of the Office Action of November 8, 2006 objected to Claim 1, indicating, insofar as understood, the comma after "and" in line 8 should be deleted. Applicants acknowledge an informality here, but have addressed the amendment in a manner consistent with the original intent of Claim 1. Applicants trust this change will meet with the Examiner's approval.

[03]   Item 2 also required Applicants change "A" to "The" at the beginning of all the dependent claims. This requirement is traversed. Both "A" and "The" are in common use in this position; the selection of one or the other will have no impact on the determination of the scope of the claims. The Examiner is entitled to have his preference in this regard, but Applicants preference governs here. However, the Examiner is welcome to articulate his reasons for his preference; if they are persuasive, the undersigned attorney may change his practice.

[04]   For the record, the undersigned attorney has given careful consideration to the choice between "The" and "A" and has deliberately selected "A". The reason is that, by law, a dependent claim is patentably distinct over the claim from which it depends. For example, Claim 2 defines a different invention than Claim 1 does. The use of "the" indicates the inventions are the same. The use of "A ... as recited in" indicates that some of the same words are used in defining the invention of the depending claim (e.g., Claim 2) as are used in defining the invention of the claim (e.g., Claim 1) from which the depending

claims depends, but suggests that the invention itself is different. On the other hand, since the use of both "A" and "The" are conventional, the undersigned attorney would not try to force his rationale on others. In summary, since the use of "A" is better practice and since the decisions is Applicants, "A" is left in the dependent claims, pending some stronger rationale by the Examiner.

[05] Anticipation

[06] Item 4 of the Office Action rejects all pending claims for anticipation by US Patent No. 7,107,191, "Stewart" herein. These rejections are traversed.

[07] For a brief overview of the traversals that follow, the invention and Stewart both involve simulation of computer systems, but the invention relates to simulating the response of a computer system to failure events, while Stewart relates to performance simulation in non-failure scenarios. In the present invention, the result of a simulation is a change in virtual system configuration, while in Stewart, the result of a simulation is a performance measure. Thus, Stewart not only does not anticipate the claimed invention, but, other than "simulation" and "computer", does not even use any language reminiscent of the claimed invention.

[08] The present invention relates to simulation of a response of a computer system to a failure event; the response must involve a change in system configuration (e.g., movement of a workload from a failed system to an active system). In particular, Claim 1 requires a "virtual-failure event selector". Claim 1 also requires pre- and post-

failure configurations, with the latter being generated in response to a virtual-failure event.

[09] Stewart discloses a performance simulator. Basically, the Stewart's simulator determines how efficiently a system configuration handles virtual workloads. The purpose of the simulations is to allow comparisons between different possible configurations so that an optimal one can be selected for actual implementation. Stewart does not disclose simulations of responses to failure events. In no case does Stewart disclose that a simulated system configuration changes during simulation, either in response to a virtual failure event or in response to anything else. In fact, the word "failure" does not even seem to appear in Stewart, and the concept of a "failure event" is not inherent in any of the language used in Stewart.

[10] Nonetheless, the Office Action purports to find "a virtual-failure selector" disclosed by Stewart in FIGS. 1-4. The Office Action also purports to find a virtual-cluster generator that generates a second virtual cluster in response to a selected virtual-failure event in these figures. Applicants have reviewed these figures in detail and cannot find any think like a virtual-failure selector or a virtual-failure event or generation of a second virtual cluster by those names or any other. If the Examiner persists in this ground of rejection, he should identify the reference numbers he thinks are associated with the claim elements.

[11] The Office Action also refers to Stewart, Col. 3, line 52 to Co. 4, line 9. Applicants have examined this passage in detail. There is no mention of a virtual-event selector, either by that name or any other.

There is no suggestion of a virtual-cluster generator that generates a second virtual cluster in a second virtual configuration in response to a virtual-failure event by that name or any other. If the Examiner persists in this ground of rejection, he should explain how this passage discloses claim elements despite the absence of language supporting the conclusion.

[12] The Office Action also refers to Stewart, Col. 5, lines 18-28 for disclosure of the virtual-cluster generator that generates a second configuration in response to a virtual-failure event. This passage relates to performance simulation, not failure-response simulation. Again, the concept of generating a new (virtual) configuration in response to a virtual-failure event is completely absent. If the Examiner persists in this ground of rejection, he should explain how this passage discloses claim elements despite the absence of language supporting the conclusion.

[13] The Office Action also refers to Stewart, Col. 8, lines 40-53, which also do not disclose or suggest failure events, real or virtual, or changes in configuration in response to failure events. If the Examiner persists in this ground of rejection, he should explain how this passage discloses claim elements despite the absence of language supporting the conclusion.

[14] With respect to independent Claim 10, additional passages are cited, but none of these refer to failure events, real or virtual, and none disclose or suggest reconfiguring in response to failure events. With respect to the rejections of the dependent claims, there is no point to

considering them individually as the underlying rejections of the claims from which they depend appear to lack merit.

[15]   CONCLUSION

[16]   One of the objections to the claims is overcome by amendment, while the other is respectfully traversed. Likewise, the rejections for anticipation are respectfully traversed as claim elements relating to generating configurations in response to virtual-failure events is not disclose or even suggested by the reference relied on in the rejections. Accordingly, it is respectfully submitted that the application in now in condition for allowance, which allowance is respectfully requested.

Respectfully submitted,

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